

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Sri S. Chandra Sekhara Rao, former Mandal Parishad Development Officer, now retired as Section Officer, Public Enterprises Department -- Committed certain financial irregularities in Mominpet Mandal, Ranga Reddy District – Penalty of withholding of Pension and Gratuity in full– Orders – Issued.

Read the following:-

- 1) Proceedings No. 15418/12/98, dated 29.10.1998 of CPR & RE, Hyderabad.
- 2) Proceedings No. 15418/12/98, dated 31.05.1999 of CPR & RE, Hyderabad.
- 3) From Sri S. Chandra Sekhara Rao, explanation, dated 02.05.2001.
- 4) From the P.R. & R.D. (Vig. IV) Dept., U.O. Note No. 3777/Vig.IV/2004-11, dated 08.11.2004.
- 5) From the Secy., APPSC., Lr. No. 334/RT-I/2005, dated: 02.09.2005.
- 6) Govt. Memo. No. 151097/SU-I/2004, dated: 31-05-2008.
- 7) Interim Orders of Hon'ble A.P.A.T., dated: 11-06-2008 in O.A. No. 3977/2008.
- 8) Orders dated: 19-06-2008, in W.P. No. 121649/08 of High Court of A.P.
- 9) Govt. Memo. No. 23564/SU-I/2008-3, dated: 26-08-2008.
- 10) Govt. Memo. No. 151097/SU-I/2004, dated: 06-09-2008.
- 11) From Sri S. Chandra Sekhara Rao, S.O. (Retd.), explanations, dated: 11-09-2008.

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G.O. Ms. No.621

Dated: 01 -10-2008.

ORDER:-

Sri S. Chandra Sekhara Rao, while working as Mandal Parishad Development Officer, Mominpet Mandal, Ranga Reddy District, has committed certain severe financial irregularities. Based on the report of the Chief Executive Officer, Zilla Parishad, Ranga Reddy District, the Commissioner of Panchayat Raj and Rural Employment, Hyderabad has placed Sri S. Chandra Sekhara Rao, under suspension on 29.10.1998, pending initiation of disciplinary proceedings along with two others. Sri S. Chandra Sekhara Rao was reinstated into service on 31.05.1999 by the Commissioner of Panchayat Raj and Rural Employment, in obedience of the Government instructions and posted him at Mandal Parishad, Pudur, Ranga Reddy District as Mandal Parishad Development Officer. The Commissioner, Panchayat Raj and Rural Employment, again suspended Sri S. Chandra Sekhara Rao, for certain further irregularities in the administration of Mandal Parishad, Pudur. On the instructions issued by the Government, he was again reinstated into service on 27.02.2001 and he was surrendered to General Administration Department.

2) The Commissioner, Panchayat Raj and Rural Employment, being the Disciplinary Authority has initiated departmental action against the Delinquent Officer along with two others, by framing (10) Articles of Charges, calling for his explanation thereon. The Delinquent Officer has not submitted his explanation to the Charge Memo. After examination of the explanations submitted by the other two delinquent officers, the Commissioner, Panchayat Raj and Rural Employment has appointed Deputy Commissioner of his Office as Inquiry Officer on 23.08.1999 to enquire into the charges framed against them, in accordance with the A.P.C.S. (CCS) Rules, 1991. After completion of the enquiry, the Inquiry Officer has submitted his report on 18.03.2001 in respect of all the three delinquent officers, to the Commissioner of Panchayat Raj and Rural Employment.

3) Out of the 10 charges framed against Sri S. Chandra Sekhara Rao, the Inquiry Officer has held charge No. (5) is not proved. He has held all the remaining (9) charges as proved. The Commissioner, Panchayat Raj and Rural Employment dropped Charge No. (5) and held the remaining (9) charges as proved. He has recommended recovering an amount of Rs. 35,000/- from Sri S. Chandra Sekhara Rao in respect of charge No. 3.

4) The Commissioner of Panchayat Raj and Rural Employment has communicated copy of the Inquiry Report to the Charged Officers and obtained their explanations thereon. After examination of the Enquiry Report and the explanations submitted by the Delinquent Officers, the Commissioner, Panchayat Raj and Rural

Employment arrived a provisional conclusion to award a punishment of "**dismissal**" in respect of Sri S. Chandra Sekhara Rao, former Mandal Parishad Development Officer and submitted his report to Government to take further necessary action since Sri S. Chandra Sekhara Rao has been repatriated to Secretariat.

5) Government after careful consideration of the matter and accordingly come to conclusion to issue of dismissal orders in respect of Sri S. Chandra Sekhara Rao, former Mandal Parishad Officer, Mominpet Mandal, Ranga Reddy District now retired as Section Officer in Public Enterprises Department under rule 9 (x) of the A.P.C.S. (CCS) Rules, 1991.

6) In the meanwhile, Sri S. Chandra Sekhara Rao has filed O.A. No. 1424/2005 with M.A. No. 2116/05 and obtained **wire orders dated: 16.09.2005** from the A.P. Administration Tribunal. The Hon'ble Tribunal has directed the Government to **maintain status quo of the case of the applicant pending disposal of the M.A. 2116/05 and O.A.**

7) The Hon'ble A.P.A.T. in its orders dated: 17-08-2007 in O.A. No. 1424/2005 with M.A. No. 2116/2205 in which, ordered that **"the applicant on one pretext or the other is dodging the matter for no good reasons. As all the documents relied upon by the disciplinary authority were let in during the course of enquiry and the applicant had been provided with reasonable opportunity to rebut the same, no prejudice is caused to him. Further this Tribunal after perusing the requisitioned documents is of the opinion that non-supply of the same in advance has not caused any prejudice to the applicant. Having regard to these facts and circumstance, the O.A. is devoid of merit and is accordingly dismissed. The interim order granted on 16-09-2005 stands vacated. M.A. also dismissed"**.

8) **Keeping in view of A.P. Administrative Tribunal orders dated: 16.09.2005, the penalty of dismissal orders could not be inflicted on the individual in view of the reason that he was retired from service after attaining the age of superannuation i.e., on 30-06-2007.**

9) **After careful examination of the matter again, Government have provisionally decided to impose penalty of withholding the pension and gratuity in full, against Sri S. Chandra Sekhara Rao, Section Officer (Retd.) under Rule (9) (2) (a) (i) of the A.P.R.P. Rules, 1980.** Accordingly, show cause notice was issued to Sri S. Chandra Sekhara Rao, now retired as Section Officer, in Public Enterprises Department in the references 7th read above.

10) Aggrieved by this he has filed an O.A. No. 3977/2008 in A.P. Administrative Tribunal seeking provisional pension and other entitled retirement benefits. The A.P.A.T. in its orders dated: 11-06-2008 has directed the respondents "to pay provisional pension along with other entitled retiral benefits forthwith". A counter affidavit in the O.A. No. 3977/2008 has also been filed along with a VMA No. 743/2008.

11) He has also filed a W.P. No. 12649/2008 filed in High Court of A.P. seeking the supply of certain documents to enable him to give explanation to the show cause notice. In pursuance of the orders of Hon'ble High Court, the documents sought by him has been handed over vide reference 9th read above. After supply of necessary documents sought by the individual, **fresh show-cause notice** has been issued on the Charged Officer seeking his explanation with in stipulated time vide reference 10th read above.

12) The Accused Officer has not adduced any new grounds in his explanation vide reference 11th read above, but requested to supply some other material to submit his explanation. He has also requested therein for not to implement the proposed punishment of withholding of pension and gratuity in full against him.

13) Government have examined the explanations of Sri S. Chandra Sekhara Rao, formerly MPDO, Mominpet Mandal, R.R. District, now retired as Section Officer in Public Enterprises Department and consider that supply of further documents as requested by him, nothing but a dilatory tactics of the individual and it will not arise

at this juncture, as the Charged Officer did not ask for the same at any time during the course of disciplinary proceedings.

14) In the circumstances stated above, Government hereby confirm the provisional decision taken in the reference 6th and 10th read above, imposing the penalty of **withholding the pension and gratuity in full**, against Sri S. Chandra Sekhara Rao, formerly MPDO, Mominpet Mandal, R.R. District, now retired as Section Officer in Public Enterprises Department, under Rule (9) (2) (a) (i) of the A.P.R.P. Rules, 1980 for committing the financial irregularities while working as Mandal Prajaparishad Development Officer, Mominpet Mandal, Ranga Reddy District, that were held proved in the Inquiry.

15) The Accountant General, A.P. Hyderabad is requested to take necessary action immediately to implement the orders of the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S. BALASUSBRAMANYAM,
SECRETARY TO GOVERNMENT (SER & HRM)**

To
Sri S. Chandra Sekhara Rao,
Section Officer (Retd.),
H. No. 6-3-223, Chabblas Nest Apartments,
G-3, Near Saibaba Temple, Premnagar,
Khairatabad, Hyderabad-4.
The Accountant General, A.P. Hyderabad.
The Directorate of Treasuries & Accounts, A.P., Hyderabad.
The Public Enterprises (OP) Department.
The Panchayat Raj & Rural Development (Vig) Department.
The A.P. Vigilance Commission, Secretariat, Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad.
The Dy. Pay & Accounts Officer, A.P. Secretariat Br, Hyderabad.
P.S. to Chief Secretary / Secretary (Ser & HRM).
SF/SCs.

// Forwarded : by order //

SECTION OFFICER